

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
DEEPROOT CAPITAL MANAGEMENT, LLC, ET AL., ¹	§	BANKRUPTCY No. 21-51523
	§	
DEBTORS.	§	JOINTLY ADMINISTERED

**TRUSTEE’S MOTION FOR ENTRY OF ORDER
LIMITING NOTICE PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2002(h)**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

John Patrick Lowe, Trustee (the “**Trustee**”) in this Chapter 7 case, by and through his undersigned counsel, hereby files *Trustee’s Motion for Entry of Order Limiting Notice Pursuant*

¹ The Debtors in these chapter 7 cases, along with the last four digits of each Debtor's federal tax identification number, are: Policy Services, Inc. (2864), Wizard Mode Media, LLC (3205), deeproot Pinball LLC (0320), deeproot Growth Runs Deep Fund, LLC (8046), deeproot 575 Fund, LLC (9404), deeproot 3 Year Bonus Income Debenture Fund, LLC (7731), deeproot Bonus Growth 5 Year Debenture Fund, LLC (9661), deeproot Tech LLC (9043), deeproot Funds LLC (9404), deeproot Studios LLC (6283), and deeproot Capital Management, LLC (2638).

to Federal Rule of Bankruptcy Procedure 2002(h) (the “**Motion**”), respectfully showing the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicate for the relief sought is 11 U.S.C. § 105(a), Federal Rule of Bankruptcy Procedure (“**BR**”) 2002 and Bankruptcy Local Rule (“**BLR**”) 2002.

3. Attached hereto as Exhibit A is the proposed order on the Motion.

II. SUMMARY

4. This jointly administered bankruptcy case contains eleven debtors and over 850 parties in interest on the mailing matrix. Requiring notice of all matters to all creditors would result in an administrative burden on the Estate. The Trustee estimates that it will cost the Estate approximately \$600.00 to mail a one-page notice via United States First Class Mail to all creditors on the creditor matrix. By limiting notice as requested herein, the Trustee seeks to preserve the assets of the Estate for the benefit of creditors and to reduce administrative expenses. Furthermore, the relief requested is designed to ensure that any creditor who has asserted an interest in the property will receive notice of a motion that may affect that interest, including lien rights to the property.

III. RELIEF REQUESTED

5. BR 2002(h) provides that, after 90 days following the first date set for meeting of creditors in a chapter 7 case, the Court may direct all notices required under BR 2002(a) be mailed only to the debtor, trustee, and holders of claims for which proofs of claims have been filed. BR 9007 affords the Court general authority to regulate notice. The meeting of creditors was scheduled

for January 28, 2022 and the Debtors' representative did not appear and the meeting has been adjourned to March 4, 2022. The Court has discretion and authority to limit the notices required by BR 2002(a) pursuant to BR 2002(h). BR 2002(m) authorizes the Court to regulate notice requirements.

6. The Trustee anticipates that limited notice may only affect matters under BR 2002(a)(2), (a)(3), (a)(4), and (a)(6). The noticing procedures proposed below comport with applicable provisions of the Bankruptcy Code and the BRs. Section 102(1)(A) of the Bankruptcy Code, for example, defines the phrase "after notice and a hearing" to mean "after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances . . ." 11 U.S.C. § 102(1)(A)

7. The Trustee therefore seeks to limit notice to the following parties:

- a) a party against whom relief is sought and its counsel, if known;
- b) the Debtors, through their Counsel;
- c) the Trustee;
- d) any parties requesting and receiving notice through ECF;
- e) the creditors that have filed or mailed a proof of claim form as of the date of the Court's entry of an order on this Motion, and the attorneys requesting notice;
- f) the Debtor's secured creditors;
- g) any party known to be asserting an interest in property affected by the motion;
- h) any party known to be claiming a lien on any property affected by the motion;
- i) the U.S. Trustee through ECF; and
- j) any party on whom the Court has ordered notice (the "**Limited Notice Parties**").

8. The Trustee will supplement the list of Limited Notice Parties every other week until after March 22, 2022 (the claims bar date) such that all creditors that have filed a proof of claim form receive notice as a Limited Notice Party. A copy of the proposed limited service list is attached hereto as Exhibit B.

9. The Trustee also requests to serve papers by electronic mail where possible, because service of papers by electronic mail will further reduce administrative costs. To the extent e-mail addresses are submitted or obtainable for the Limited Notice Parties, Trustee will serve the Limited Notice Parties only by e-mail. If an e-mail address is not available, the Trustee will serve those parties through United States First Class Mail.

10. Trustee believes that the relief requested is in the best interest of the Estate.

III. PRAYER

WHEREFORE, Trustee requests that the Court enter an order granting Trustee's Motion and for such other relief, both at law and in equity to which the Trustee may be justly entitled.

Respectfully submitted,
PULMAN, CAPPUCCIO, & PULLEN, LLP
2161 NW Military Highway, Suite 400
San Antonio, Texas 78213
(210) 222-9494 Telephone
(210) 892-1610 Facsimile

By: /s/ Randall A. Pulman
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**ATTORNEYS FOR JOHN PATRICK LOWE,
CHAPTER 7 TRUSTEE FOR THE JOINTLY
ADMINISTERED CASE OF IN RE DEEPROOT
CAPITAL MANAGEMENT, LLC ET AL.**

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2022, I electronically filed the foregoing document using the CM/ECF system, which will serve the document on the following list of parties in interest and parties requesting notice. A supplemental certificate of service showing the Notice was mailed via US First Class Mail to the entire creditor matrix will be filed separately.

Via US First Class Mail

Policy Services, Inc.
deeproot Pinball, LLC
deeproot Growth Runs Deep Fund, LLC
deeproot 575 Fund, LLC
deeproot 3 Year Bonus Income Fund, LLC
deeproot BonusGrowth 5 Year Debenture Fund, LLC
deeproot Tech, LLC
deeproot Funds, LLC
deeproot Studios, LLC
deeproot Capital Management, LLC
12621 Silicon Dr.
San Antonio, TX 78249

Via US First Class Mail

Wizard Mode Media, LLC
12227 S. Business Park Drive, Suite 130
Draper, UT 84020
Debtor's Counsel

Via CM/ECF: pat.lowe.law@gmail.com

John Patrick Lowe
2402 East Main Street
Uvalde, TX 78801

Via CM/ECF:

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jason.rudd@wickphillips.com

Catherine A. Curtis
Jason M. Rudd
Wick Phillips Gould & Martin, LLP
3131 McKinney Ave, Suite 500
Dallas, TX 75204

Via CM/ECF:

USTPRegion07.SN.ECF@usdoj.gov

United States Trustee - SA12
US Trustee's Office
615 E Houston, Suite 533
San Antonio, TX 78295-1539

Via CM/ECF: rbattaglia@outlook.com

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Houston, TX 77002

Via CM/ECF: bk-cmurphy@oag.texas.gov

Texas Workforce Commission
c/o Christopher S. Murphy
Texas Attorney General's Office
PO Box 12548
Austin, TX 78711

/s/ Randall A. Pulman

Randall A. Pulman

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
DEEPROOT CAPITAL MANAGEMENT, LLC, ET AL., ¹	§	BANKRUPTCY No. 21-51523
	§	
DEBTORS.	§	JOINTLY ADMINISTERED

**ORDER GRANTING TRUSTEE’S MOTION FOR ENTRY OF ORDER LIMITING NOTICE PURSUANT
TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2002(h)**

On this date came on to be heard the *Trustee’s Motion for Entry of Order Limiting Notice Pursuant to Federal Rule of Bankruptcy Procedure 2002(h)* (the “**Motion**”).² Based on the representations made in the Motion, the Court finds that (i) it has jurisdiction of the matters

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² Capitalized terms unless otherwise defined herein shall have the meaning as ascribed to them in the Motion.

raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) the relief requested in the Motion is in the best interest of the Debtor's Estate and creditors; (iv) proper and adequate notice of the Motion has been given and no further notice is necessary; (v) no objections to the Motion have been filed; and (vi) based upon the record herein, after due deliberation, good and sufficient cause exists for the granting of the Motion in all respects.

IT IS, THEREFORE, ORDERED that Trustee is permitted to limit notice for all applicable motions under BR 2002(a)(2), (a)(3), (a)(4), and (a)(6) to the following Limited Notice Parties:

- a) a party against whom relief is sought and its counsel, if known;
- b) the Debtors, through their Counsel;
- c) the Trustee;
- d) any parties requesting and receiving notice through ECF;
- e) the creditors that have filed or mailed a proof of claim form as of the date of the Court's entry of an order on this Motion, and the attorneys requesting notice;
- f) the Debtor's secured creditors;
- g) any party known to be asserting an interest in property affected by the motion;
- h) any party known to be claiming a lien on any property affected by the motion;
- i) the U.S. Trustee through ECF; and
- j) any party on whom the Court has ordered notice.

IF IS FURTHER ORDERED that notice to a Limited Notice Party may be mailed through electronic mail if an e-mail address is provided. If an e-mail address is not obtainable, the Trustee will mail notice through United States First Class Mail.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

#

SUBMITTED BY:

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**ATTORNEYS FOR JOHN PATRICK LOWE,
CHAPTER 7 TRUSTEE FOR THE JOINTLY
ADMINISTERED CASE OF IN RE DEEPROOT
CAPITAL MANAGEMENT, LLC ET AL.**

EXHIBIT B

In Re: deeproot Capital Management, LLC / Jointly Administered 21-51523-MMP
PROPOSED LIMITED SERVICE LIST

John Patrick Lowe*
2402 East Main Street
Uvalde, TX 78801

deeproot Capital Management, LLC, *et al.**
c/o Wick Phillips *et al.*
Attn: Catherine A. Curtis/Jason M. Rudd
3131 McKinney Ave, Suite 500
Dallas, TX 75204

United States Trustee - SA12*
US Trustee's Office
615 E Houston, Suite 533
San Antonio, TX 78295-1539

Texas Workforce Commission*
c/o Christopher S. Murphy
Texas Attorney General's Office
PO Box 12548
Austin, TX 78711

Robert Mueller
c/o Jay Hulings
Davis & Santos
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United States Attorney
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Internal Revenue Service
Centralized Insolvency Office
P. O. Box 7346
Philadelphia, PA 19101-7346

United States Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

US Securities & Exchange Commission
Division of Enforcement
c/o George Bagnall
100 F. Street, NE
Washington DC, 20549

US Small Business Administration
Attn: Legal/Bkcy Div
10737 Gateway West, Suite 300
El Paso, TX 79935

Texas Comptroller of Public Accounts
Revenue Accounting Div - Bkcy Section
P.O. Box 13528 Capitol Station
Austin, TX 78711

Texas Workforce Commission
Regulatory Integrity Division
101 East 15th Street
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Silicon Drive Office Venture LLC
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Boerne, TX 78006

{00564885;2}

- Parties marked with an asterisk are registered to receive CM/ECF Notice

CVH University Park, LP
Attn: Kendall Carew
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Houston, TX 77024

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Northern Industrial Mgmt LLC
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James Harris
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